

# **EXHIBIT 5**

# SUSMAN GODFREY L.L.P.



## Jacob W. Buchdahl

Partner

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### Overview

Jacob W. Buchdahl is widely recognized as a leading trial lawyer, including by Benchmark Litigation for three years in a row as one of the Top 100 Trial Lawyers in America. Chambers USA (2015) described his litigation skills as "extraordinary," he has been named a Leading Lawyer by Lawdragon (Lawdragon, 2016), and he has repeatedly been listed as a New York Super Lawyer. Buchdahl represents both plaintiffs and defendants in a wide range of commercial litigation across the United States. At age 40, he was lead counsel in the first case brought by a bond insurance company against an RMBS issuer to go to trial, securing a \$100 million judgment in Manhattan federal court; the case was described as a "game-changer" and a "turning point in the MBS wars" and led directly to billions of dollars in settlements. Buchdahl tries cases in every setting, from jury and bench trials in federal court, to AAA and FINRA arbitrations, to a trial before an SEC administrative law judge. More recently, in August 2016, Buchdahl won a complete defense verdict in federal court in the Eastern District of Texas in a patent infringement case brought against a medical device manufacturer.

Before joining Susman Godfrey, Buchdahl was a member of the Public Corruption Unit in the United States Attorney's Office for the Southern District of New York, where he investigated and prosecuted criminal conduct in federal, state, and local government. In ten jury trials as a federal prosecutor, Buchdahl convicted sixteen defendants, including the former highest-ranking Russian at the United Nations on money-laundering charges.

Buchdahl is a graduate of Yale College and Yale Law School. He now lives in New York City with his wife Angela, the Senior Rabbi of Central Synagogue, and their three children Gabriel, Eli, and Rose. Buchdahl is a member of the Board of Directors of Lawyers for Children, the Board of Trustees of the Abraham Joshua Heschel School, and the Board of Directors of Recess Activities, Inc.

### Education

- Yale College (B.A., *magna cum laude*, 1994)
- Yale Law School (J.D., 1997)

### Honors and Distinctions

- Ranked as one of the "Top 100 Trial Lawyers in America" by Benchmark Litigation's Guide to America's Leading Litigation Firms and Attorneys
- Recognized in the Chambers USA Guide to America's Leading Lawyers
- Included in the Lawdragon 500 Leading Lawyers in America (Lawdragon, 2016)
- Named among "Super Lawyers," New York Metro Edition (Law & Politics Magazine, Thomson Reuters)
- Assistant United States Attorney, U.S. Attorney's Office, Southern District of New York (2002-07)

### Judicial Clerkship

- Law Clerk to the Honorable Charles S. Haight, Jr., United States District Court, Southern District of New York (1997-98)

- Law Clerk to the Honorable John M. Walker, Jr., United States Court of Appeals, Second Circuit (1998-99)

## Wins

- Won a jury trial in the Eastern District of Texas defeating patent infringement claims brought against a manufacturer of spinal implants.
- Won an arbitration on behalf of a leading New York hospital alleging breach of a licensing agreement against one of the world's largest pharmaceutical companies.
- Won an administrative trial before the SEC defeating antitrust claims brought against an exchange over its pricing of market data.
- Won a bench trial in the Southern District of New York on breach of contract claims brought by a bond insurance company against Flagstar Bank over nearly a billion dollars of RMBS.
- Won at arbitration against Morgan Stanley in which FINRA rejected the bank's attempt to recover on promissory notes extended to two of its former brokers and instead awarded over a million dollars in lost commissions to the brokers.
- Won a summary judgment in California state court granting our client the exclusive right to develop a promising cancer treatment and rejecting all of the plaintiff's claims for damages.
- Won a summary judgment in Manhattan federal court defeating all of the plaintiff's claims for trademark infringement.
- Won a summary judgment in New Jersey state court ending a multi-billion dollar lawsuit asserting state RICO and other claims against a prominent hedge fund relating to short-selling.
- Won a multi-million dollar New York state court judgment (subsequently upheld by the Appellate Division) against Ron Perelman on behalf of a movie development company. The case then settled for a confidential amount.
- Won a AAA arbitration on behalf of a client seeking to enforce a finder's fee contract against a company following its acquisition by a multi-billion dollar financial institution.

## Professional Associations and Memberships

Member of the Federal Bar Council.